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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,242	10/23/2001	Timo Vesterinen	975.371USWI	3310
32294	7590	05/27/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.				NGUYEN, HANH N
14TH FLOOR				ART UNIT
8000 TOWERS CRESCENT				PAPER NUMBER
TYSONS CORNER, VA 22182				2662

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/002,242	VESTERINEN, TIMO
	Examiner	Art Unit
	Hanh Nguyen	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on RCE filed on 05/09/05.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 7-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4 and 7-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 8, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 8 and 14, it is not clearly stated what is meant by parameters on line 7. The specification does not explain to what the “parameters” is referred.

Claims 2-4, 7 and 9-13 are rejected because they depend on claims 1 and 8 respectively.

Claim 13 is not clearly addressed because it does not comprises claim body and fails to further limit their limitations “the network control device” and “the interface establishing device”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,7-10, 13 and 14 are rejected under 35 USC 102(e) as being anticipated by Takeda et al. (Pat. 6,829,232 B1).

Regrading to claims 1, 2, 3, 7, 8 and 14, Takeda et al. discloses a network control device (combination of server 3B and service control gateway 1, fig.1) for controlling data transfer (telephone service) in a first network (IP network 14, fig.1), wherein the data transfer is supplied from a second network (telephone network 13a, fig.1) via a switch device (a switch 8b, fig.1) adapted to control the second network and an interface establishing device (gateway 2a, fig.1) connected between the switch device (the switch 8b) and the first network (IP network 14, fig.1), and the network control device (combination of server 3b and service control gateway 1, fig.1) controls the interface establishing device (gateway 2a, fig.1) by using signalling associated with the first network (service control gateway 1 controls signal transmitted from gateway such as the transmitted signal is converted to IP protocol, see col.6, lines 1-5 and 30-40, In addition, communication between gateway and IP network 14 is performed by using IP protocol, col.6, lines 60-65) and controls parameters (control bandwidth) of the interface establishing device (server 3b controls bandwidth and address information of the gateway 2a, col.5, lines 45-50), wherein the network control device loads control software for the interface establishing device via the first network into the interface establishing device (server 3 stores program for controlling bandwidth of gateways (col.7, lines 7-20)).

In claim 10, Takeda discloses, in Fig. 1, gateway 2a (gateway) is connected to switch 8b (gateway is connected to switching device).

In claims 4 and 9, as explained in the rejection of claim 1, Takeda discloses the gateway 2a is located remotely from the network control device. Takeda further discloses server 3 transmits a control signal to gateway (see col.6, lines 32-40).

Claims 11 and 12 are rejected under 35 USC 103(a) as being unpatentable over Takeda

In claims 11 and 12, Takeda does not disclose the switching device comprising a slot for connecting the interface establishing device. However, it is a well-known in the art that a switch has multiple ports or slots for connecting gateway. Therefore, it would have been obvious to one ordinary skilled in the art to connect the gateway of Takeda to ports/slots of the switch 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sunhhar (Pat. 6829243 B1) discloses Directory Assistance for IP Telephone Subscribers.

Gallant et al. (Pat. 6,636,596 B1) discloses Method of and System for providing Intelligent Network Control services in IP telephony.

Borella et al. (Pat. 6,731,642 B1) discloses Internet Telephony using Network Address Translation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HANH NGUYEN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Hanh Nguyen".